

E-FILED - 1/30/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEVEN LEON COLVIN,)	No. C 09-0017 RMW (PR)
)	
Petitioner,)	ORDER OF TRANSFER
)	
vs.)	
)	
WARDEN MIKE POULOS,)	
)	
Respondent.)	
_____)	

Petitioner, proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on January 5, 2009. Petitioner seeks habeas relief from his underlying criminal conviction and sentence in the Tuolumne County Superior court, which lies in the Eastern District of California.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); however, petitions challenging a conviction or sentence are preferably heard in the district of conviction. See Habeas L.R. 2254-3(a); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968). Here, the Eastern District of California is the district of conviction.

Accordingly, this case is TRANSFERRED to the United States District Court for the Eastern District of California, the district of petitioner's conviction at issue in this petition. See

1 28 U.S.C. § 1404(a); Habeas L.R. 2254-3(b)(1). The clerk shall terminate any pending motions
2 and transfer the entire file to the Eastern District of California.

3 IT IS SO ORDERED.

4 DATED: 1/30/09


RONALD M. WHYTE
United States District Judge